

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN**

DESTINY COUNTRYMAN,

Plaintiff,

v.

EQUIFAX,

Defendant.

Case No. 2:24-cv-11317

NOTICE OF REMOVAL

Defendant Equifax Information Services LLC (“Equifax”), incorrectly identified solely as Equifax, by its attorneys and pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, files this Notice of Removal of the above titled action to this Court from 36th District Court, State of Michigan. In support of this Notice of Removal, Equifax states as follows:

BACKGROUND

1. On or about April 17, 2024, Plaintiff filed her Complaint in the 36th District Court, State of Michigan, titled *Destiny Countryman v. Equifax*, Case No. 24149919-GC.

2. Equifax was served with the Complaint on April 22, 2024. True and correct copies of the Summons and Complaint, together with all process, pleadings, and orders served upon or by Equifax, are attached as **Exhibit A**. These documents

constitute all “process, pleadings, and orders” served upon Equifax in the state court action as required by 28 U.S.C. § 1446(a).

3. This Notice of Removal is timely, as Equifax has filed this Notice of Removal within thirty-days after Defendant was first served with the Complaint, the initial pleading, setting forth the claims for relief upon which Plaintiff’s action is based. **Exhibit A.**

**THIS CASE IS REMOVABLE BASED UPON FEDERAL QUESTION
JURISDICTION**

4. In his Complaint, Plaintiff purports to bring claims arising out of the Fair Credit Reporting Act (“FCRA”), 15 U.S.C. § 1681 et seq. (*See* Exhibit A) Plaintiff seeks relief in the form of statutory and actual damages, along with the attorneys’ fees and the costs of litigation, for alleged injuries, actual damages, and harm, as well as such other relief the Court may deem equitable. (*See* Exhibit A, Complaint.)

5. Pursuant to 28 U.S.C. § 1441(a), “any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants to the district court of the United States for the district and division embracing the place where such action is pending.”

6. This Court has original federal question jurisdiction over this action pursuant to 28 U.S.C. § 1331, which provides that the “district courts shall have

original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.” This is because Plaintiff alleges that Equifax violated the FCRA, which is a federal law. *Id.*

7. Accordingly, this action is removable to this Court pursuant to 28 U.S.C. § 1441.

VENUE AND NOTICE TO STATE COURT

8. Removal is appropriate “to the district court of the United States for the district and division embracing the place where such action is pending.” 28 U.S.C. § 1441(a). Because this action is pending in the 36th District Court, State of Michigan, venue, for purposes of removal, is proper in this Court pursuant to 28 U.S.C. §§ 1441 and 1446(a). Equifax, therefore, removes this action to the United States District Court for the Eastern District of Michigan.

9. Promptly upon the filing of this Notice of Removal, Equifax shall file a Notice of Filing of Removal to Federal Court, together with a copy of the Notice of Removal, with the 36th District Court, State of Michigan, and will serve a copy thereof on Plaintiff, pursuant to 28 U.S.C. 1446(d). A copy of this Notice (without exhibits) is attached hereto.

CONCLUSION

10. Equifax submits this Notice of Removal without waiving any defenses to the claims asserted by Plaintiff, without conceding that Plaintiff has pleaded claims upon which relief can be granted, and without admitting that Plaintiff is entitled to any monetary or equitable relief whatsoever (or that the damages he seeks may be properly sought).

11. Should Plaintiff seek to remand this case to state court, Equifax respectfully asks that it be permitted to brief and argue the issue of this removal prior to any order remanding this case. In the event the Court decides remand is proper, Equifax asks that the Court retain jurisdiction and allow Equifax to file a motion asking this Court to certify any remand order for interlocutory review by the Sixth Circuit Court of Appeals, pursuant to 28 U.S.C. § 1292(b).

12. Based on the foregoing, this Court has original federal question jurisdiction over this action pursuant to 28 U.S.C. § 1331 due to Plaintiff's FCRA claims. Therefore, the Court properly may exercise jurisdiction over this lawsuit. *See* 28 U.S.C. § 1441.

WHEREFORE, Equifax submits that this action properly is removable based on original federal question jurisdiction and respectfully requests that the above-described action pending against it be removed to the United State District Court for

the Eastern District of Michigan. Equifax also requests all other relief, at law or in equity, to which it justly is entitled.

Respectfully submitted,

DATED: May 20, 2024

By: /s/ Jordan S. Bolton

Jordan S. Bolton (P66309)
Taft Stettinius & Hollister LLP
27777 Franklin Road, Ste. 2500
Southfield, MI 48034
(248) 727-1449
JBolton@taftlaw.com
Counsel for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on May 20, 2024, I presented the foregoing NOTICE OF REMOVAL with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record. A copy has also been sent via U.S. Mail to the following:

Destiny Countryman (*Pro Se*)
4465 Bishop St.
Detroit, MI 48224
510-424-4255

/s/ Jordan S. Bolton

Jordan S. Bolton (P66309)
Counsel for Defendant

STATE COURT NOTICE OF FILING NOTICE OF REMOVAL

**STATE OF MICHIGAN
IN THE 36TH JUDICIAL DISTRICT COURT**

DESTINY COUNTRYMAN,

Plaintiff,

v.

Case No. 24149919-GC

EQUIFAX,

Hon. David S. Robinson, Jr.

Defendant.

Destiny Countryman (*Pro Se*)
4465 Bishop St.
Detroit, MI 48224

Jordan S. Bolton (P66309)
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JBolton@taftlaw.com
Counsel for Defendant

NOTICE OF FILING NOTICE OF REMOVAL

TO THE CLERK OF THE 36TH DISTRICT COURT, STATE OF MICHIGAN AND PRO SE PLAINTIFF:

PLEASE TAKE NOTICE that on May 20, 2024, Defendant Equifax Information Services LLC, incorrectly identified as Equifax (“Equifax”) filed with the United States District Court for the Eastern District of Michigan a Notice of Removal of the above-captioned action from the 36th District Court, State of Michigan. Attached hereto as **Exhibit A** is a true and correct copy of the Notice of Removal.

Respectfully submitted,

DATED: May 20, 2024

By: /s/ Jordan S. Bolton

Jordan S. Bolton (P66309)
Taft Stettinius & Hollister LLP
27777 Franklin Road, Ste. 2500
Southfield, MI 48034
(248) 727-1449
JBolton@taftlaw.com
Counsel for Defendant

PROOF OF SERVICE

I hereby certify that on May 20, 2024, I filed the foregoing NOTICE OF FILING NOTICE OF REMOVAL with the Clerk of the Court, a copy of which was served via U.S. Mail on the following:

Destiny Countryman
4465 Bishop St.
Detroit, MI 48224
510-424-4255

/s/ Jordan s. Bolton

Jordan S. Bolton (P66309)

Counsel for Defendant

Equifax Information Services LLC